

ESTTA Tracking number: **ESTTA412215**

Filing date: **06/01/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	LIFETECH RESOURCES, LLC
Granted to Date of previous extension	06/01/2011
Address	9540 COZYCROFT AVENUE CHATSWORTH, CA 91311 UNITED STATES

Correspondence information	Karen McDaniel Attorney at Law Merchant & Gould P.C. 80 S. 8th Street, Suite 3200 P.O. Box 2910 Minneapolis, MN 55402 UNITED STATES dockmpls@merchantgould.com, dmattessich@merchantgould.com Phone:612.332.5300
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Applicant Information

Application No	77960706	Publication date	02/01/2011
Opposition Filing Date	06/01/2011	Opposition Period Ends	06/01/2011
Applicant	MYSKIN, INC. 123 TOWN SQUARE PLACE, SUITE #324 mySkin, Inc. JERSEY CITY, NJ 07310 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Communications software for connecting to standalone and networked computers consisting of grouping and recommendation algorithms for grouping people based on skin characteristics and providing recommendations for skin care products; Computer hardware and peripheral devices and computer software for data communication and translating and transmitting data sold therewith; Computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data; Computer software and hardware for grouping people having similar characteristics and recommending products and regimens; Computer programs for categorizing persons into various skin profiles and recommending products and regimens for skin care; Computer software for controlling and managing patient medical information; Computer software for use in managing medical records and patient information and for medical practice management; Computer software for the medical field, namely, for scheduling, registration, workflow, processing, reporting, and billing; Computer software for organizing and viewing digital images and photographs; Computer software for transmitting, distributing, disseminating, receiving, and displaying of medical images and medical documents over local area networks, wide area networks, and global computer networks; Computer

software for grouping people based on skin characteristics and recommending skin care products and regimens; Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, and audio files; Remote control telemetering machines and apparatus; Electronic communications systems comprised of computer hardware and software for the transmission of data between two points; Optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points; Communication software for providing access to the Internet; Computer search engine software; Computer software for application and database integration; Computer software for creating searchable databases of information and data; Computer software for wireless content delivery; Computer software platforms for grouping people based on skin characteristics and recommending products and regimens for skin care; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Interactive computer kiosks comprising computers, computer hardware, computer peripherals, and computer operating software, for use in grouping people based on skin characteristics and recommendation of products and regimens for skin care; Medical software for grouping people based on skin characteristics and recommendation of products and regimens for skin care; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with on-line member communities; Database management software for grouping and retrieving information about groups of people who have similar skin characteristics for recommendation of products and regimens for skin care; Graphical user interface software

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1783801	Application Date	12/21/1992
Registration Date	07/27/1993	Foreign Priority Date	NONE
Word Mark	SKINTELLIGENCE		
Design Mark	<p style="text-align: center;">SKINTELLIGENCE</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1990/05/19 First Use In Commerce: 1990/05/19 cosmetics; namely, skin cleanser preparations, skin freshener preparations, skin moisturizer, toning lotion, emollient cream, toning mask, shaving cleanser preparations, eye toning gel, face makeup body shampoo, hair shampoo, hair conditioner		

Attachments	74341429#TMSN.gif (1 page)(bytes) Skintelligence NOO 05 31 2011.pdf (13 pages)(518055 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/daniellemattessich/
Name	Danielle I. Mattessich
Date	06/01/2011

Opposition No. _____
Application No. 77/960706
Mark: **SKINTELLIGENCE**

International Class 9: Communications software for connecting to standalone and networked computers consisting of grouping and recommendation algorithms for grouping people based on skin characteristics and providing recommendations for skin care products; Computer hardware and peripheral devices and computer software for data communication and translating and transmitting data sold therewith; Computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data; Computer software and hardware for grouping people having similar characteristics and recommending products and regimens; Computer programs for categorizing persons into various skin profiles and recommending products and regimens for skin care; Computer software for controlling and managing patient

medical information; Computer software for use in managing medical records and patient information and for medical practice management; Computer software for the medical field, namely, for scheduling, registration, workflow, processing, reporting, and billing; Computer software for organizing and viewing digital images and photographs; Computer software for transmitting, distributing, disseminating, receiving, and displaying of medical images and medical documents over local area networks, wide area networks, and global computer networks; Computer software for grouping people based on skin characteristics and recommending skin care products and regimens; Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, and audio files; Remote control telemetering machines and apparatus; Electronic communications systems comprised of computer hardware and software for the transmission of data between two points; Optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points; Communication software for providing access to the Internet; Computer search engine software; Computer software for application and database integration; Computer software for creating searchable databases of information and data; Computer software for wireless content delivery; Computer software platforms for grouping people based on skin characteristics and recommending products and regimens for skin care; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Interactive computer kiosks comprising computers, computer hardware, computer peripherals, and computer operating software, for use in grouping people based on skin characteristics and recommendation of products and regimens for skin care; Medical software for grouping people based on skin characteristics and recommendation of products and regimens for skin care; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with on-line member communities; Database management software for grouping and retrieving information about groups of people who have similar skin characteristics for recommendation of products and regimens for skin care; Graphical user interface software.

This application (Serial No. 77/960706) is based on Applicant's intention to use the mark in commerce.

2. Applicant's Mark published for opposition on February 1, 2011. Opposer filed an extension to oppose Applicant's mark on March 2, 2011 and the Board granted the extension until June 1, 2011. This Notice of Opposition is timely filed.
3. Opposer is the owner of the following U.S. Trademark registration (and a TARR Report reflecting the status of this registration along with a copy of the Certificate of Registration is attached):

SKINTELLIGENCE, U.S. Reg. No. 1,783,801, used in connection with cosmetics; namely, skin cleanser preparations, skin freshener preparations, skin moisturizer, toning lotion, emollient cream, toning mask, shaving cleanser preparations, eye toning gel, face makeup body shampoo, hair shampoo, hair conditioner (hereinafter collectively as "cosmetics"), in International Class 3, registered on July 27, 1993. Said application for registration was filed on December 21, 1992 based on Opposer's use of the mark in U.S. commerce since at least as early as May 19, 1990, which is a date prior to the date of filing of Applicant's application.

4. Opposer's U.S. Reg. No. 1,783,801 for the mark SKINTELLIGENCE has not been cancelled, is valid and incontestable under §15 of the Lanham Act (15 U.S.C. §1065), and is now in full force and effect.
5. Since at least as early as May 19, 1990, Opposer has used the SKINTELLIGENCE mark in the United States. Said use has been continuous since the date of first use and has not been abandoned.
6. Opposer has advertised and promoted its SKINTELLIGENCE mark extensively. Opposer has also made substantial sales under said mark. As a result of such use and promotion, Opposer's SKINTELLIGENCE mark has developed and represents valuable goodwill inuring to the benefit of Opposer.

7. Opposer has priority with respect to the mark at issue in this opposition. Opposer has had priority of use of the SKINTELLIGENCE mark long before the March 17, 2010 filing date of Applicant's application.
8. Applicant's SKINTELLIGENCE mark is confusingly similar to Opposer's SKINTELLIGENCE mark. The marks are identical in overall appearance, sound, meaning and commercial impression.
9. Applicant's SKINTELLIGENCE software products are highly related to Opposer's cosmetics. Applicant is seeking to market computer software that recommends products and regimens for skin care most suitable for a particular user's skin type. Applicant's product will look like a software program that analyzes the skin composition of users in order to recommend which type of cosmetics is most suitable for the user's skin type, such as the product line for normal skin, the product line for oily skin, the product line for dry skin, or the product line for combination skin. Applicant's product will appear to be offered by, affiliated with, and/or sponsored by Opposer when the same is not true.
10. Applicant's mark is deceptively similar to Opposer's mark. The marks have a confusingly similar appearance, sound, meaning and commercial impression, and the goods of the parties are also highly related products geared to achieve ideal skin. Consumers will mistakenly believe that Applicant's goods are offered by, affiliated with and/or sponsored by Opposer when the same is not true.
11. Due to the highly similar nature of Applicant's mark and Opposer's mark, the closely related nature of the goods provided by the respective parties, consumers and potential consumers are likely to believe that Applicant's goods originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to Opposer.

12. Upon information and belief, the goods provided by Opposer under its SKINTELLIGENCE mark, and the goods intended to be provided by Applicant under its SKINTELLIGENCE mark, will be promoted and sold in the same channels of trade to the same consumers or class of consumers.
13. The use and registration by Applicant of the mark SKINTELLIGENCE for Applicant's goods is likely to cause confusion or to cause mistake or deception among consumers and potential consumers, with Opposer's previously used and registered SKINTELLIGENCE mark, again resulting in damage to Opposer.
14. Because of the highly related nature of the goods, and the identical nature of the marks in overall appearance, sound, meaning and commercial impression, use and registration of the term SKINTELLIGENCE by Applicant is likely to cause confusion, mistake, or deception that Applicant's goods are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer causing further damage to Opposer. Applicant's goods will look like a computer software program that makes cosmetic product recommendations to users based on individual skin types.
15. If Applicant is granted registration of the mark herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its alleged mark. Such registration would be a source of further damage and injury to Opposer.
16. Registration of the mark shown in Application Serial No. 77/960706 will result in damage to Opposer under the provisions of §2 (a) and §2 (d) of the U.S. Trademark Act, 15 U.S.C. § 1052, §1125 pursuant to the allegations stated above.

WHEREFORE, Opposer asks that its opposition to this application be sustained and that the registration of the proposed mark SKINTELLIGENCE set forth therein be refused.

Please direct all correspondence to the attention of:

Karen McDaniel
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Tel: 612-332-5300 Fax: 612-332-9081

Opposer hereby appoints: Karen McDaniel, Danielle I. Mattessich, John A. Clifford; Scott M. Oslick; Brian H. Batzli; Gregory C. Golla; Scott W. Johnston; D. Randall King; Andrew S. Ehard; Christopher J. Schulte; Brent Routman, Charles Golla, and others as its attorneys with the full power to represent the Opposer in connection with this proceeding.

Respectfully submitted,

LIFETECH RESOURCES LLC,

By its attorneys,

Date: May 31, 2011



Karen McDaniel
Danielle I. Mattessich
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Tel. 612.332.5300
Fax 612.332.9081

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon the following Applicant by Certified First Class Mail (with a copy via e-mail, to legal@myskininc.com), postage pre-paid, this 1st day of June, 2011:

Attn: Rajiv Ranjan
Director of Intellectual Property
MYSKIN, INC.
123 Town Square Place, Suite #324
Jersey City, NJ 07310

A handwritten signature in black ink, appearing to read "D. Mattessich", written over a horizontal line.

Danielle I. Mattessich

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-05-31 20:46:46 ET

Serial Number: 74341429 Assignment Information Trademark Document Retrieval

Registration Number: 1783801

Mark (words only): SKINTELLIGENCE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-07-30

Filing Date: 1992-12-21

Transformed into a National Application: No

Registration Date: 1993-07-27

Register: Principal

Law Office Assigned: LAW OFFICE 12

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-09-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LIFETECH RESOURCES, LLC

Address:

LIFETECH RESOURCES, LLC
9540 COZYCROFT AVENUE
CHATSWORTH, CA 91311
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

cosmetics; namely, skin cleanser preparations, skin freshener preparations, skin moisturizer, toning lotion, emollient cream, toning mask, shaving cleanser preparations, eye toning gel, face makeup body shampoo, hair shampoo, hair conditioner

Basis: 1(a)

First Use Date: 1990-05-19

First Use in Commerce Date: 1990-05-19

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0023669

International Registration Number: 1072359

International Registration Date: 2011-03-11

Original Filing Date with USPTO: 2011-03-11

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2011-04-21

International Registration Renewal Date: 2021-03-11

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

04-21-2011 - 20:47:00 - Application For IR Registered By IB

03-14-2011 - 21:07:28 - IR Certified And Sent To IB

03-14-2011 - 12:30:41 - Manually Certified

03-11-2011 - 20:16:19 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-17 - Automatic Update Of Assignment Of Ownership

2007-09-25 - Case File In TICRS

2006-10-09 - Review Of Correspondence Complete

2005-03-07 - PAPER RECEIVED

2003-07-30 - First renewal 10 year

2003-07-30 - Section 8 (10-year) accepted/ Section 9 granted

2003-05-15 - Combined Section 8 (10-year)/Section 9 filed

2003-05-15 - PAPER RECEIVED

1999-08-13 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-03-08 - Section 8 (6-year) and Section 15 Filed

1993-07-27 - Registered - Principal Register

1993-05-04 - Published for opposition

1993-04-02 - Notice of publication

1993-03-11 - Approved for Pub - Principal Register (Initial exam)

1993-03-10 - Examiner's amendment mailed

1993-03-05 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

RICHARD J. WARD, JR.

Correspondent

RICHARD J. WARD, JR.

CHRISTIE PARKER & HALE LLP

PO BOX 7068

PASADENA CA 91109-7068

Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

Reg. No. 1,783,801

United States Patent and Trademark Office Registered July 27, 1993

**TRADEMARK
PRINCIPAL REGISTER**

SKINTELLIGENCE

CARRIERI, RICHARD A. (UNITED STATES CITIZEN)
21822 LASSEN STREET, SUITE "L"
CHATSWORTH, CA 91311

FOR: COSMETICS; NAMELY, SKIN CLEANSER PREPARATIONS, SKIN FRESHENER PREPARATIONS, SKIN MOISTURIZER, TONING LOTION, EMOLLIENT CREAM, TONING MASK, SHAVING CLEANSER PREPARA-

TIONS, EYE TONING GEL, FACE MAKEUP BODY SHAMPOO, HAIR SHAMPOO, HAIR CONDITIONER, IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 5-19-1990; IN COMMERCE 5-19-1990.

SER. NO. 74-341,429, FILED 12-21-1992.

JEFFREY SMITH, EXAMINING ATTORNEY

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 1783801 SERIAL NO: 74/341429 MAILING DATE: 07/30/2003
REGISTRATION DATE: 07/27/1993
MARK: SKINTELLIGENCE
REGISTRATION OWNER: CARIERI, RICHARD A.

CORRESPONDENCE ADDRESS:

RICHARD J. WARD, JR.
CHRISTIE PARKER & HALE LLP
PO BOX 7068
PASADENA CA 91109-7068

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION
MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION
MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
003.

SMITH, WYE J
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.